

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	No. 16 CR 163
v.)	
)	Judge Mary M. Rowland
MARCOS GERMAN MENDEZ)	

PRELIMINARY ORDER OF FORFEITURE

The United States asks this Court to issue a preliminary order of forfeiture pursuant to Title 18, United States Code, Section 2253 and Federal Rules of Criminal Procedure 32.2.

(a) On April 26, 2016, an indictment was returned charging defendant MARCOS GERMAN MENDEZ in Counts One and Two with producing child pornography, in violation of 18 U.S.C. § 2251(a); in Count Three with transporting child pornography, in violation of 18 U.S.C. § 2252A(a)(1); and in Count Four with possessing child pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B). The indictment sought forfeiture to the United States of property that was used, or intended to be used, to commit and to promote the commission of the charged offenses.

(b) On March 9, 2022, defendant MARCOS GERMAN MENDEZ entered a voluntary plea of guilty to Counts Two of the indictment. Pursuant to the terms of the plea agreement and as a result of his violation of 18 U.S.C. §§ 2251(a), defendant MARCOS GERMAN MENDEZ agreed that certain property, including but not limited to: an Apple iPhone 6S, Model Number, MKRY2LL/A, bearing serial number

FK3QD505GRY9, is subject to forfeiture pursuant to the provisions of 18 U.S.C. § 2253.

(c) Defendant MARCOS GERMAN MENDEZ has agreed to the entry of a preliminary order of forfeiture relinquishing any right, title, or interest he has in the foregoing property pursuant to 18 U.S.C. § 2253, for disposition according to law.

(d) The United States requests that this Court enter a preliminary order of forfeiture against defendant MARCOS GERMAN MENDEZ as to the foregoing property because the property was used, or intended to be used, to commit and to promote the commission of the offenses of conviction.

(e) Accordingly, this Court orders that a preliminary order of forfeiture be entered against defendant MARCOS GERMAN MENDEZ as to an Apple iPhone 6S, Model Number, MKRY2LL/A, bearing serial number FK3QD505GRY9. Pursuant to 18 U.S.C. § 2253 and Fed. R. Crim. P. 32.2, all right, title, and interest of the defendant in the foregoing property named in this order shall be forfeited to the United States for disposition according to law.

(f) Pursuant to 18 U.S.C. § 2253 and Fed. R. Crim. P. 32.2, the terms and conditions of this preliminary order of forfeiture shall be made part of the sentence imposed against the defendant and recited in any judgment and commitment order entered in the case. In accordance with Rule 32.2(b)(4)(A), at sentencing-or at any time before sentencing if the defendant consents- the preliminary order of forfeiture, will become final as to the defendant. Pursuant to Rule 32.2(c), if a third party files

a petition asserting an interest in the property to be forfeited, this Court must hold a hearing to determine his rights. Pursuant to 21 U.S.C. § 853(n)(2), incorporated by 18 U.S.C. § 2253(b), third parties have 30 days from the publication of notice or receipt of notice, whichever is earlier, to file a petition. The preliminary order of forfeiture will remain preliminary as to third parties until such an ancillary proceeding, if required, can be conducted under Rule 32.2(c). After disposition of all third party interests, this Court shall, upon the government's motion if appropriate, enter a final order of forfeiture for the property that is the subject of this preliminary order of forfeiture, thereby vesting clear title in the United States of America.

(g) Pursuant to 21 U.S.C. § 853(g), as incorporated by 18 U.S.C. § 2253(b), and Fed. R. Crim. P. 32.2, upon entry of this preliminary order of forfeiture the foregoing property shall be seized by the United States Customs and Border Protection.

(h) This Court shall retain jurisdiction to take such additional action and enter such further orders as may be necessary to implement and enforce this preliminary forfeiture order.



MARY M. ROWLAND
United States District Judge

DATED: November 29, 2022